

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PALM BAY INTERNATIONAL, INC.

Plaintiff/Counter-
Defendant,

Cons. Case Nos. CV09 599
and CV 09 601 (ADS) (ETB)

v.

MARCHESI DI BAROLO S.P.A.,

Defendant/Counter-
Plaintiff

-----X
DAVID S. TAUB and MARC TAUB, as.,
Successor to MARTIN G. TAUB, deceased

Plaintiffs/Counter-
Defendants,

v.

MARCHESI DI BAROLO S.P.A.,

Defendant/Counter-
Plaintiff.

-----X

**NOTICE OF MOTION FOR LEAVE TO FILE AN AMENDED REPLY TO
COUNTERCLAIM AND FOR JUDGMENT ON THE PLEADINGS**

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 15(a) and 12(c) upon the pleadings served, as well as the Memorandum of Law, and the Certification of Gary Ettelman, dated June 22, 2010, and exhibits attached thereto, plaintiffs, DAVID S. TAUB and MARC TAUB by their attorneys, Ettelman & Hochheiser P.C., move this court before the Honorable Arthur D. Spatt, United States District Court Judge, 1044 Federal Plaza, Central Islip, New York 11722, for an Order

granting leave to file an Amended Reply to Counterclaim and Judgment on the Pleadings with regard to defendant's Third Counterclaim.

Dated: Garden City, New York
June 22, 2010

ETTELMAN & HOCHHEISER, P.C.

By: _____ s/
Gary Ettelman
Attorneys for Plaintiff
100 Quentin Roosevelt Blvd., Suite 401
Garden City, New York 11530
(516) 227-6300